

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA THOMAS BALES,

Defendant.

CASE NO. CR20-0090-JCC

ORDER

This matter comes before the Court on Defendant's Unopposed Motion to Continue Trial and Pretrial Deadlines (Dkt. No. 94). Having thoroughly considered Defendant's motion and the relevant record, the Court GRANTS the motion for the reasons explained below.

On July 24, 2020, a grand jury indicted Mr. Bales for cyberstalking and making interstate threats. (Dkt. No. 15.) Trial in this matter is currently set for November 1, 2021; pretrial motions were due September 17, 2021. (Dkt. No. 87.) Defendant seeks a continuance of the trial date to January 10, 2022 and a corresponding postponement of pretrial deadlines. (Dkt. No. 94 at 2–3.) As support, he cites the need to review extensive electronically stored discovery, the complexity of the case, and pandemic-related limitations on the availability of experts for consultation. (Dkt. No. 94 at 2.) Defendant has executed a speedy trial waiver in connection with this motion (Dkt. No. 95) and indicates that the Government does not oppose the proposed continuance. (Dkt. No. 94 at 1.)

Based on the foregoing, the Court FINDS:

1. Taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny defense counsel the reasonable time necessary for effective preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).

2. This case is sufficiently complex, due to the nature of the prosecution, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial by November 1, 2021. *See* 18 U.S.C. § 3161(h)(7)(B)(ii);

3. The ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and Defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and

4. The additional time requested is a reasonable period of delay, as Defendant has requested more time to prepare for trial, consult with experts, review voluminous and highly technical discovery, and conduct additional investigation.

Accordingly, Defendant's Unopposed Motion (Dkt. No. 94) is GRANTED. It is therefore ORDERED that the trial date is CONTINUED to January 10, 2022, and that the time between the filing of this order and the new trial date is excludable time under the Speedy Trial Act, as provided in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv). Any pretrial motions shall be filed no later than December 6, 2021.

DATED this 29th day of September 2021.

A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE